

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:  
  
ALL ACTIONS

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**PLAINTIFFS' ADDITIONAL MATERIAL REGARDING SUGGESTION  
THAT SCHERING BE HELD IN CONTEMPT AND FOR FURTHER  
RELIEF RELATING TO THE TEMODAR AND INTRON INDUCEMENTS**

Plaintiffs are now in receipt of the actual documents produced by Schering to comply with the Court's order to produce documents evidencing remuneration to doctors for the purpose of inducing use of Intron and Temodar in violation of federal law.

Schering faced criminal charges for these activities and pled guilty to a felony.

In response to the Court's order Schering produced roughly 115 pages, consisting of a few published articles, a slide show and other assorted documents. The entire production is attached as Exhibit A.

It defies common sense that upon this written record Schering agreed to pay \$255 million and pled to a felony. Either Schering is blatantly defying the Court's order *or* if this truly is the only documentation, plaintiffs should be allowed to take testimony from knowledgeable witnesses. Further, this paltry production underscores the need for Schering to be ordered to identify by Bates number all documents bearing on these issues.

DATED: October 12, 2006.

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**CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE**

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on October 12, 2006, I caused copies of **PLAINTIFFS' ADDITIONAL MATERIAL REGARDING SUGGESTION THAT SCHERING BE HELD IN CONTEMPT** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

**/s/ Steve W. Berman**

Steve W. Berman